

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 42 - SB 70**

March 22, 2011

**SUMMARY OF BILL:** Requires, rather than authorizes, law enforcement to seize the vehicle of any person taken into custody for transporting or confining an animal in a cruel manner. Imposes a mandatory fine of between \$2,500 and \$3,000 for the Class A misdemeanor of cruelty to animals. Imposes a mandatory fine of between \$3,000 and \$3,500 for a second or subsequent offense of cruelty to animals, punishable as a Class E felony. Imposes a mandatory fine of between \$2,500 and \$3,000 for a violation of probation or the restrictions imposed by the sentencing court. Imposes a mandatory fine of between \$3,000 and \$3,500 for aggravated cruelty to animals, punishable as a Class E felony

Requires persons guilty of aggravated cruelty to animals to undergo psychological evaluations and counseling. Requires courts to notify protective agencies and the offender's household, when the household contains children under the age of 18 or elderly individuals, that an offender has been found guilty of aggravated cruelty to animals. Requires evaluation of a juvenile adjudicated delinquent for an offense that, if committed by an adult would constitute cruelty to animals or arson, to determine the need for psychological or psychiatric treatment. Authorizes courts to direct juveniles to enroll in counseling or treatment programs with the appropriate state agencies when a juvenile's guardian is indigent. Requires persons convicted of a criminal offense against animals to not harbor animals or reside in any household where animals are present; to participate in appropriate counseling; and to reimburse animal shelters or human societies for costs incurred for the care of animals taken as a result of mistreatment. Requires the seizure of animals involved in alleged abuses as a condition of bond for a person charged with a criminal offense against animals.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$232,500**

Assumptions:

- In most cases, the Department of Children's Services (DCS) will provide evaluation and counseling of adjudicated children
- As of March 1, 2011, DCS had five cases in which children were turned over to the Department's custody for charges of cruelty to animals.
- It is estimated that under the provisions of this bill 25 additional non-custodial children will be placed yearly under DCS' custody for a total number of 30 children.

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- Under this bill, it is estimated that these 30 children will receive a psychological evaluation.
- According to DCS, the cost of a psychological evaluation is \$750 per child, resulting in a recurring increase in state expenditures of \$22,500 (\$750 x 30 children).
- According to DCS, all 30 children are expected to receive counseling at a cost of \$70 per hour. The average number of counseling hours required per child is 100 hours.
- The total cost of counseling for 30 children will result in a recurring increase of state expenditures of \$210,000 (30 children x \$70 x 100 hours).
- Under current law, a first conviction of cruelty to animals or a violation of any prohibition or restriction imposed by the sentencing court is a Class A misdemeanor. Unless otherwise specified by statute, an offender may be ordered to pay a fine of up to \$2,500.
- Currently, a second or subsequent conviction of cruelty to animals or a conviction of aggravated cruelty to animals is a Class E felony. An offender may be ordered to pay a fine up to \$3,000.
- According to the Administrative Office of the Courts (AOC), there has been an average of 20 misdemeanor convictions for cruelty to animals in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 200 per year.
- According to AOC, there has been an average of four felony convictions for aggravated cruelty to animals in each of the past five years. Total convictions, including general sessions courts, are estimated to average 40 per year.
- Increasing the mandatory fine for these offenses will result in a not significant increase in state and local government revenue.
- Any additional responsibilities to law enforcement agencies can be accommodated within existing resources without an increased appropriation or reduced reversion.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/jdb